

00684.002935

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	:	Examiner: Jordan M. Schwartz
Toshiyuki YOSHIHARA	)	
	:	Group Art Unit: 2873
Appln. No.: 09/438,491	)	
	:	Allowed: September 22, 2004
Filed: November 12, 1999	)	
	:	Confirmation No. 9399
For: ABERRATION CORRECTING	)	
OPTICAL SYSTEM	:	November 19, 2004

**RECEIVED**

NOV 19 2004

**OFFICE OF PETITIONS**

**Attn.: Petitions Attorney Frances Hicks ((571) 272-3218)**

**Office of Petitions**

**Madison Building (West), 600 Dulany Street**

**Mail Stop 313(c)**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO WITHDRAW APPLICATION FROM ISSUE  
UNDER 37 C.F.R. § 1.313(c)(2)

Sir:

The issue fee having been paid on October 5, 2004, pursuant to 37 C.F.R.

§ 1.313(c)(2), Applicant respectfully petitions the Commissioner to withdraw the

above-referenced application from issue for consideration of the Request for Continued

Examination (RCE) attached hereto that requests entry, as submissions under 37 C.F.R. § 1.114,

of (a) the attached Second Information Disclosure Statement, which has not been considered by

the Examiner and cites documents not of record, and (b) the attached Preliminary Amendment.

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EXPEDITED HANDLING REQUESTED

Applicant understands that no issue date has been set; nonetheless, expedited handling of this Petition is respectfully requested.

FORMAL MATTERS: AUTHORIZATION TO CHARGE PETITION FEE

The Commissioner is authorized to charge the \$130.00 Petition fee, the \$790.00 RCE fee, and any other fees necessitated by these papers to Deposit Account No. 06-1205. A duplicate of this paper is attached for this purpose.

REQUEST FOR INTERVIEW

If any questions remain, Applicant respectfully requests that the Office of Petitions contact Applicant's undersigned representative at (202) 530-1010.

CONCLUSION

It is requested that the present application be withdrawn from issue for consideration of the RCE and its submissions, the Second Information Disclosure Statement and the Preliminary Amendment. Favorable consideration hereof is earnestly solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in cursive script, reading "Daniel Glueck", positioned above a horizontal line.

Attorney for Applicant  
Daniel S. Glueck  
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

DSG/dc

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